IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 6620 of 2004

Between:

Gorichetti Lottibabu, S/o.Nellakantham,
Social worker, R/o. Pilli Veedhi, Pathapatnam,

Srikakulam District.

..... PETITIONER

AND

1 Superintendent of Police, Srikakulam District at Srikakulam
2 Sub-Divisional Police Officer, Palakonda, Srikakulam District
3 Circle Inspector of Police Pathapatnam, Srikakulam District
4 Sub-Inspector of Police, Pathapatnam, Srikakulam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents 2nd respondent in opening the rowdy sheet No. 363/Pathapatnam dt: 03-3-2004 against the petitioner, as illegal, arbitrary, malafide and violative of principles of natural justice and for a consequential order directing the respondents 2 to 4 delete the name of the petitioner from the rowdy sheet No.363/pathapatnam dt:3-3-2004 and pass such other order or orders.

Counsel for the Petitioner: MR. P.RAJ KUMAR

Counsel for the Respondents: GP FOR HOME

The Court made the following:

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ORDER:

Heard both sides and at their request the main writ petition itself is taken up for disposal.

The petitioner herein, who is resident of Pilli Veedhi, Pathapatnam, Srikakulam District, files this writ petition, *inter alia*, seeking a writ of mandamus to declare the action of the respondents herein in opening a rowdy sheet No.363/Pathapatnam, dated 03.03.2004, against him, as illegal and arbitrary and consequently, to direct the respondents 2 to 4 to delete the name of the petitioner from the said rowdy-sheet.

The case of the petitioner is that he is a law abiding citizen and it is only due to local political rivalries, a rowdy sheet has been opened against him only with a view to harass and take vengeance and that there are no cases pending against him, as such, to warrant opening of such a rowdy-sheet against him. Hence the writ petition.

In the counter-affidavit filed on behalf of the respondents, though it has been mentioned that there have been certain cases registered against the petitioner in Crime Nos.37 of 1990, 90 of 2000, but the same, ultimately, ended in acquittal. It is only Petty Case Nos.70 and 71 of 2002, for the offence under Sections-160 and 510 I.P.C., are pending against the petitioner on the file of the Judicial First Class Magistrate Court, Pathapatnam, vide S.T.C.No.261 of 2002.

Having regard to the submissions made by the learned counsel for both the parties and also on perusal of the material on record, it is seen that as it is there is neither substantial offences alleged against the petitioner nor any involvement of the petitioner against the law and order. In view of the same, there is no justification in opening of such a rowdy-sheet against the petitioner.

Accordingly, the writ petition is allowed. No costs.

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B.PRAKASH RAO, J

30.08.2004

DR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, the thirtieth day of August, Two thousand and four.

To

1 Superintendent of Police, Srikakulam District at Srikakulam
2 Sub-Divisional Police Officer, Palakonda, Srikakulam District
3 Circle Inspector of Police Pathapatnam, Srikakulam District
4 Sub-Inspector of Police, Pathapatnam, Srikakulam District

5 Two CCs to Government Pleader for Home, High Court

Buildings, Hyderabad. (OUT)

6 Two CD copies.